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10/11/01



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011 • 322 • 646 • 0353

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404 • 653 • 6400
PALO ALTO
650 • 849 • 6600

October 11, 2001

ATTORNEY DOCKET NO. 07648.0023-00
CUSTOMER NO. 22,852

Box PATENT APPLICATION
Commissioner for Patents and Trademarks
Washington, DC 20231

New U.S. Patent Application

Title: DIFFERENTIALLY-EXPRESSED CONIFER cDNAs, AND THEIR
USE IN IMPROVING SOMATIC EMBRYOGENESIS

Inventor(s): John Cairney et al.

Sir:

We enclose the following papers for filing in the United States Patent and Trademark Office in connection with the above patent application.

1. Application- 160 pages, including 12 independent claims and 61 claims total, and Tables I, II, III, IV and V, Abstract (1 page).
2. Sequence Listing (104 pages), including disk and Statement To Support Filing and Submission
3. Formal Drawings- 14 sheets of formal drawings (Figures 1-14).
4. Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
5. The filing fee is calculated as follows:

Assistant Commissioner for Patents

October 11, 2001

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Basic Application Filing Fee					\$740	\$ 740.00
	Number of Claims		Basic	Extra Claims		
Total Claims	61	-	20	41	x \$18	738.00
Independent Claims	12	-	3	9	x \$84	756.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$280	0
Subtotal						\$ 0
Reduction by 1/2 if small entity						- 0
TOTAL APPLICATION FILING FEE						\$ 2,234.00

6. A check for \$_____ is enclosed. The fee includes:

\$_____ filing fee; and
\$_____ additional claims fee.

Applicant claims the right to priority based on Provisional Patent Application No. 60/239,250, filed October 11, 2000 and Provisional Patent Application No. 60/260,882, filed January 12, 2001.

Please address all correspondence with respect to this application to:

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, D.C. 20005-3315

This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Declaration and payment of the filing fees.

Please accord this application an application number and filing date.

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Assistant Commissioner for Patents

October 11, 2001

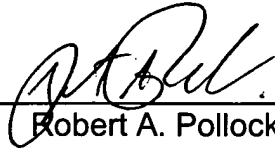
Page 3

The Commissioner is hereby authorized to charge any additional fees, **but not the filing fees**, due and any other fees under 37 C.F.R. § 1.16 or § 1.17 during the pendency of this application to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By:



Robert A. Pollock
Reg. No. 43,008

RAP:MAH:lab
Enclosures

ENCLOSURE

PATENT
Customer No. 22,852
Attorney Docket No. 07648-0023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John CAIRNEY et al.)
Application No.: New) Group Art Unit: Not Yet Assigned
Filed: October 11, 2001) Examiner: Not Yet Assigned
For: DIFFERENTIALLY-EXPRESSED)
CONIFER cDNAs, AND THEIR)
USE IN IMPROVING SOMATIC)
EMBRYOGENESIS)

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

**REQUEST FOR NON-PUBLICATION OF APPLICATION AND
CERTIFICATION UNDER 35 U.S.C. § 1.22(b)(2)(B)(i)**

As an authorized agent of the above-identified applicant, the undersigned attorney hereby certifies that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. § 1.22(b).

I further understand that this non-publication request may be rescinded at any time and if so, the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

I further understand that if applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen

FOR THE ATTORNEY

LAW OFFICES

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months after filing, the United States Patent and Trademark Office must be notified of such filing within forty-five (45) days after the date of the filing of such foreign or international application. I also understand that failure by applicant to so notify the Patent and Trademark Office will result in abandonment of this application.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 11, 2001

By: 

Robert A. Pellock
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FOR FILING

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